

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

THE HONORABLE J. SPENCER LETTS, PRESIDING  
UNITED STATES DISTRICT COURT JUDGE

CHURCH OF SCIENTOLOGY, etc., et al., )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 UNITED STATES OF AMERICA, etc., et al., )  
 )  
 Defendants. )

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CV-90-2042-JMI

TRANSCRIPT OF PROCEEDINGS

Friday, October 25, 1991

Los Angeles, California

Motion to Recuse Judge Ideman

Terry Kramer, CVR  
 Official Reporter  
 United States District Court  
 419 United States Courthouse  
 312 North Spring Street  
 Los Angeles, California 90012  
 (213) 680-1908

**APPEARANCES:**

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-and-

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## APPEARANCES (continued):

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1 I don't know why it is there, but you may not draw  
2 inferences about me from anything you can find sitting in my  
3 chambers.

4 MR. COOLEY: I respectfully submit that that simply  
5 is not so.

6 THE COURT: But that is going to be a matter that is  
7 going to be up to the judge, and I don't agree with you, so I  
8 don't want to hear what's in the article.

9 The article is not pasted on his wall. The Time  
10 magazine cover is someplace in his chambers, I take it. My  
11 suspicion is that if it were in his office, you would have  
12 told me that, so I suspect it's not there.

13 MR. COOLEY: It's in his -- the working part --

14 THE COURT: You have told me --

15 MR. COOLEY: -- of his chambers --

16 THE COURT: Wait a minute; stop.

17 MR. COOLEY: He must --

18 THE COURT: Stop.

19 I will have a marshal escort you out of here if you  
20 don't stop when I tell you to stop.

21 MR. COOLEY: Well, I am not going to. If you want  
22 the marshal to escort me out --

23 THE COURT: Ms. Webb, will you call the marshal.

24 (Mr. Cooley exited the courtroom.)

25 THE COURT: Does anybody have anything to add to

1 it there. I simply don't believe that, so I don't credit it  
2 for that.

3 MR. MOXON: I see the Court's point.

4 As far as certainly we don't know what Judge  
5 Ideman's state of mind is. He hasn't filed anything in  
6 response, although it's my understanding that the papers have  
7 all gone to him.

8 THE COURT: He has no opportunity to --

9 MR. MOXON: No obligation to, of course.

10 THE COURT: Not obligation, opportunity.

11 MR. MOXON: The point perhaps isn't then, Your  
12 Honor, what inference should be drawn, but in the standard of  
13 an extremely serious case, three cases that Judge Ideman is  
14 presiding over, whether or not there's an appearance, whether  
15 or not all these matters, Mr. Jeglikowski, the Time magazine,  
16 the other comments that have been made, whether or not they  
17 raise the appearance which should cause the Court in the  
18 position it's in with having to make very important decisions  
19 with respect to it, to millions of individuals who have faith  
20 in this religion, whether or not it wouldn't be better for  
21 the administration of justice to have some other judge  
22 preside who is not under this cloud, that's the only point,  
23 Your Honor.

24 THE COURT: I understand the point, and I don't  
25 think so, because these cases have been before Judge Ideman

1 for a long time, and there is the corresponding consideration  
2 that if it is true that what the Church of Scientology  
3 doesn't like about Judge Ideman is that reaction to the  
4 evidence that they've put before him, and that's why they  
5 want a different judge, the appearance of impropriety to the  
6 other people of allowing a change at this late stage is at  
7 least as high.

8           The law is clear that it has to be evidence and  
9 reason for bias that pre-exists the case itself, it cannot be  
10 things that come out of the case itself.

11           With a case that's gone on for a long time, there is  
12 always reason to ask the question if the real reason, if  
13 people want a change of judge, isn't because they have some  
14 inkling about what the judge thinks about what he's already  
15 seen about the case.

16           That is not an appropriate basis for a recusal.

17           MR. MOXON: I agree, Your Honor; however, in this  
18 case we don't know how Judge Ideman acquired the viewpoint he  
19 has with respect to Scientology --

20           THE COURT: Indeed, I don't think you know that he  
21 has a viewpoint.

22           MR. MOXON: No.

23           Again, Your Honor, we haven't deposed Judge Ideman,  
24 and Judge Ideman has not spoken as to it, but the inferences  
25 here are substantial, there are so many of them that it

1 THE COURT: I understand.

2 The question is, are the things you have asserted  
3 sufficient to believe there is a bias that doesn't result  
4 from the conduct of the case.

5 MR. MOXON: Yes.

6 THE COURT: And that question hasn't changed.  
7 That's the question you posed by your papers, that's the  
8 question they addressed in their answer, and that's the  
9 question that I propose to decide.

10 MR. MOXON: I wish we could resolve this, the matter  
11 of some of the things that have come in. They clearly don't  
12 relate to the case itself, such as --

13 THE COURT: We're not going to hear any of those  
14 things. They're in the papers and I'm not going to hear more  
15 about them.

16 I'm not going to use the gavel again. There are  
17 other ways to not have that kind of conversation. I chose to  
18 use the gavel the first time.

19 MR. MOXON: Thank you, Your Honor.

20 THE COURT: All right.

21 MR. RATHBUN: Your Honor, just to address one point,  
22 you stated that you can't draw inferences, but in -- matter  
23 of fact from what you've stated, it's clear that you have  
24 drawn some inferences.

25 You stated that Time magazine is independent, and



1 you also stated --

2 THE COURT: No, I didn't say that. I said it has  
3 independent significance.

4 MR. RATHBUN: Independent -- how's that?

5 THE COURT: Time magazine is an entity, it's a  
6 magazine with a large circulation. It has independent  
7 significance that has nothing to do with this lawsuit.  
8 That's what I said.

9 And I submit to you that you're exhibiting your own  
10 bias when you hear me say that, because I didn't say that.

11 MR. RATHBUN: No, I understand what you're saying  
12 now, but the same could be stated about --

13 MR. BRIGHT: May I interrupt?

14 THE COURT: Yes, you may.

15 MR. BRIGHT: The defendants are objecting to Mr.  
16 Rathbun, who is not an attorney, addressing the Court.

17 THE COURT: Sustained.

18 You may not. I didn't realize that.

19 MR. RATHBUN: Can I just make --

20 THE COURT: You may not; you may not. I'm sorry.

21 MR. RATHBUN: The other --

22 THE COURT: You will stop, or I'll --

23 May I have him escorted from the Court.

24 (Mr. Rathbun removed.)

25 THE COURT: You will now have a ruling.

CERTIFICATE

I CERTIFY THAT THE FOREGOING IS A CORRECT TRAN-  
SCRIPTION, REPORTED TO THE BEST OF MY ABILITIES, OF THE PRO-  
CEEDINGS IN THE ABOVE-ENTITLED MATTER.

\_\_\_\_\_  
TERRY KRAMER  
CERTIFIED VERBATIM REPORTER

\_\_\_\_\_  
DATE